

SITE BRIEFING & OPTIONS PAPER

Diamond Vogel/Site Deletion

PURPOSE

Diamond Vogel, PRP of the Vogel Paint & Wax site in Maurice, IA, has requested the site be deleted from the NPL upon achieving containment of the groundwater plume within the property boundary. OSRTI input is needed to determine the best path to deletion.

CURRENT SITE STATUS

- Groundwater contamination above MCLs exist both on and off site.
- A groundwater pump and treat system has been operating on site. Currently the system is off to allow for a pilot study.
- A bioremediation pilot study is underway to address off site contaminated groundwater migration. It is anticipated that groundwater contamination above MCLs will remain on site after the pilot is completed.
 - Off site groundwater contamination however is anticipated to be below MCLs.
 - 6-month sample results will be evaluated to determine progress of pilot study.

SITE BACKGROUND

- **Contamination:** Paint wastes and solvents were disposed of in a 2-acre pit between 1971-1979 on a non-contiguous 80-acre parcel. Site soils and groundwater contaminated with VOCs (BTEX) and metals.
 - Site was listed on the NPL in the late 1980's.
 - EPA and IDNR entered into a Memorandum of Understanding in June 1990 delegating the lead oversight responsibilities to IDNR.
- **Cleanup:** 1989 ROD called for excavation and bio-remediation of soils and groundwater extraction and treatment.
 - The soil remedy has been fully implemented (OU1); treated soils were placed in an onsite repository and capped in place.
 - The groundwater pump and treat system has been in place since 1992 (OU2).
 - ESDs were signed in 1994 and 2000 calling for various remedy modifications. The 2000 ESD established the point of compliance for achieving MCLs at the site boundary. EPA concurred on ROD and ESDs.
- **ICs:** Currently ICs are defined by IDNR and Diamond Vogel as being on the Iowa registry of Hazardous Waste or Hazardous Substance Disposal Sites
- **Additional Background:**
 - IDNR signed CD with Diamond Vogel in 1989---- whereby Diamond Vogel agreed to implement the selected remedies for soils and groundwater at the site.
 - IDNR allowed Diamond Vogel to intermittently shut down the pump and treat system over the course of many years, which has led to offsite migration of contamination in excess of MCLs.
 - EPA took the lead for FYRs in 2014 due to conflicts between EPA and IDNR regarding the status of the groundwater remedy.
 - Nearby residents on rural water supply; private wells used for non-household purposes do not show impacts from the site.
 - Surrounding land use is predominantly agricultural.
 - SEE ATTACHED SITE MAP for more information

SITE ISSUE & CONSIDERATIONS

Existing remedy decisions call for cleaning up groundwater to achieve MCLs within the property boundary, defined in the last ESD as the “point of compliance”. EPA policy calls for restoring groundwater to its beneficial use throughout entire plume. This site-specific definition of point of compliance, which conflicts with national policy, presents a potential barrier to deletion.

- Diamond Vogel is pushing for site deletion and is strongly opposed to changing the “point of compliance” approach to groundwater remediation.
- Diamond Vogel is opposed to modifying decision documents due to length of process required with no perceived value added.
- Diamond Vogel’s position is that they have spent millions on site investigations and remedial actions and will have complied with the requirements of the decision documents once the offsite plume is addressed. They further argue that there is no continuing health threat since the groundwater beneath the Site is not used for drinking water for people or animals and ICs will prevent future unacceptable groundwater use. Citing to the Superfund Taskforce goals and the Agency’s emphasis on deletions, Diamond Vogel contends that the Agency should support deletion. Diamond Vogel contends the Agency has discretion regarding its groundwater policy and should exercise that discretion in this case to support deletion.

Diamond Vogel has recently elevated to Peter Wright, Jim Gulliford, and Senators Joni Ernst and Chuck Grassley concerning these issues. A meeting was held between EPA, Diamond Vogel and IDNR to discuss Point of Compliance issues on February 12, 2020. It was agreed that the group would meet again after the 6 months groundwater sample results have been received and may seek an audience with EPA HQ regarding site deletion.

PROPOSED OPTIONS

Ex. 5 Deliberative Process (DP)

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NEXT STEPS

July 2020

Evaluate bioremediation pilot study after groundwater samples are collected at the 6 month timeframe.

September 2020

Joint meeting with R7, IDNR, Diamond Vogel and EPA HQ to discuss path forward to deletion.

September 2020

Make decision on the path forward for the site.

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